



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Texas State Parks Board
Austin, Texas

Gentlemen:

Attention: John H. Musgrove,
Auditor

Opinion No. O-2542
Re: Senate Bill No. 427,
Acts, 46th Legis., -
Traveling expenses.

In your letter of May 9, 1940, you advise that on February 13, 1940, your department requested and received permission from this office to send two representatives to Washington, D. C. to confer with the officials of the National Parks Service with the view of securing approval of CCC camp applications for work in park sites in Texas; that these two representatives proceeded to Washington on February 25, 1940; that these representatives had no knowledge of the condition of the appropriated travel accounts of your department when they left; that the quarterly appropriation of the travel account for the second quarter of the fiscal year, which period included the month of February, had been exhausted by the department prior to the beginning of the Washington trip, and that payment of the expense accounts of your two representatives has been withheld by the State Comptroller.

Upon this state of facts you ask the following questions:

"1. Are Mr. Mayes and Mr. Quinn entitled to receive that part of the travel expense incurred in February from any subsequent quarterly travel appropriation?

"2. Are Mr. Mayes and Mr. Quinn entitled to receive that part of a round-trip railroad ticket, which was purchased in February and used on the return trip from Washington to Austin in March? A round-trip ticket was purchased due to the fact that transportation costs would be reduced about 25 percent."

Senate Bill No. 427, Acts, Regular Session, 46th Legislature, contains in the general rider appended to it the following provision:

"It is further provided that, during any three months period, no department can expend more than one-fourth of the appropriations made herein for: (a) traveling expenses, (b) contingent expenses, (c) telephone and telegraph, (d) postage, provided that any unexpended balances from preceding quarters may be expended during subsequent quarters."

It is apparent that under this provision no department can obligate a subsequent quarter of the appropriation for traveling expenses for traveling done in a prior quarter. It follows that traveling expenses incurred in the month of February by your two representatives at a time when the travel appropriation available for expenditure during that quarter had been exhausted cannot be paid from traveling expense appropriations available for expenditure during subsequent quarters.

We have held that a quarterly appropriation for traveling expenses is available for defraying the expenses incurred in traveling during that quarter only - unless, of course, an unexpended balance remained in a prior quarter, which, under the provisions of the Act, may be carried over for expenditure during subsequent quarters. A portion of the traveling done by your two representatives was, according to your statement, in the third quarter. The time when the traveling is done determines the question relative to the quarterly appropriation out of which payment by way of reimbursement therefor may be made. It follows that the traveling expenses incurred for traveling in the third quarter by your two representatives may be paid out of the travel appropriation for that quarter, if it is possible to allocate the expenditures made to traveling actually done in the third quarter.

Very truly yours

APPROVED JUN 14, 1940

ATTORNEY GENERAL OF TEXAS

Gracie B. Mann
ATTORNEY GENERAL OF TEXAS

By

R. W. Fairchild
R. W. Fairchild
Assistant

RWF:EP

